HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21909 of 2007

Date: 11-10-2007.

Between :

M/s.Zuari Cements Limited, Krishna Nagar,
Rep. by its Deputy General Manager-Finance.

.....Petitioner

And

The Assistant Commissioner (CT) LTU, Kadapa Division
& others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21909 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending appeal, application for stay has been dismissed by the Appellate Deputy Commissioner. A revision against the order rejecting the stay application is also pending. During pendency of the appeal, a notice has been given demanding the disputed amount of tax. We have gone through the record. We feel that the interests of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks from today. For four weeks, there shall be an unconditional stay and stay shall continue till disposal of appeal, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. The amount already paid and the deemed payment shall also be given credit.

Writ Petition is disposed of accordingly. No costs.

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BILAL NAZKI, J

11th October 2007.

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RAMESH RANGANATHAN, J

N.B:

Order by wire at party's cost.

(b/o)

ajr